

Calendar No. 527

112TH CONGRESS
2^D SESSION

S. RES. 516

Expressing the sense of the Senate on the restitution of or compensation
for property seized during the Nazi and Communist eras.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2012

Mr. NELSON of Florida (for himself, Mr. BROWN of Ohio, and Mr. CARDIN)
submitted the following resolution; which was referred to the Committee
on Foreign Relations

SEPTEMBER 19, 2012

Reported by Mr. KERRY, without amendment

RESOLUTION

Expressing the sense of the Senate on the restitution of
or compensation for property seized during the Nazi
and Communist eras.

Whereas protecting and respecting private property rights is
a basic principle for all democratic governments that op-
erate according to the rule of law;

Whereas Nazi or Communist regimes dominated many East-
ern European countries without the consent of their peo-
ple for parts of the 20th century;

Whereas the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property, including immovable property, personal property, and financial assets, that belonged to victims of Nazi persecution;

Whereas the Nazi regime considered religious property an early target and denied religious communities the temporal facilities that held them together by expropriating churches, synagogues, religious seminaries, cemeteries, and other communal property;

Whereas, after World War II, Communist regimes expanded the systematic expropriation of private, communal, and religious property in an effort to eliminate the influence of religion;

Whereas, since the fall of the Iron Curtain, only part of the immovable property confiscated during and after the Holocaust has been recovered or compensated;

Whereas, in July 2001, the Paris Declaration of the Organization for Security and Co-operation in Europe Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the participating states of that Organization;

Whereas the Organization for Security and Co-operation in Europe Parliamentary Assembly has called on each participating state to adopt and implement appropriate legislation to ensure that victims of Nazi persecution, including communal organizations and institutions, receive restitution of or compensation for lost property, without re-

gard to the current citizenship or place of residence of the victims or their heirs or the relevant successors to communal property;

Whereas the United States Congress has, unanimously and on numerous occasions, urged countries in Europe that have not yet done so to immediately enact fair, comprehensive, nondiscriminatory, and just legislation to provide restitution, or fair compensation in cases in which restitution is not possible, to victims of persecution who had private property looted or wrongfully confiscated by Nazis during World War II or subsequently seized by a Communist government and the heirs of those victims;

Whereas the representatives of 44 countries that participated in the 1998 Washington Conference on Holocaust-Era Assets agreed on principles intended to guide just and equitable solutions to confiscated art, insurance, and communal property, but did not address the complex issue of private property;

Whereas, 11 years later, representatives of more than 45 countries participated in the Prague Holocaust-Era Assets Conference in June 2009, and agreed to the Terezin Declaration of June 30, 2009, which—

(1) recognized that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that respecting their personal dignity and addressing their social welfare needs is an issue of utmost urgency;

(2) recognized that wrongful property seizures, such as confiscation, forced sales, and sales under duress of property, were part of the persecution by the Nazis of innocent people, many of whom died without heirs;

(3) recognized the importance of restituting communal and individual property that belonged to victims of the Holocaust (Shoah) and other victims of Nazi persecution and urged that every effort be made to rectify the consequences of wrongful property seizure;

(4) urged that every effort be made to provide for the restitution of former Jewish communal and religious property through in rem restitution or compensation in cases in which restitution has not yet been effectively achieved; and

(5) recognized that in some countries heirless property could serve as a basis to address the material necessities of Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah) and its causes and consequences;

Whereas nearly 3 years have passed since the adoption of the Terezin Declaration and the governments of some countries have still not fulfilled or made progress toward fulfilling the moral obligations expressed in that document, including—

(1) the Government of Poland, which is virtually alone among post-Communist countries in not having adopted any legislation providing a process for restitution of or compensation for private property that Nazi or Communist regimes confiscated despite numerous public promises from various administrations;

(2) the Government of Romania, which has halted implementation of legislation to return former communal property or pay compensation to claimants;

(3) the Government of Latvia, which has failed to press forward with legislation to return Jewish communal and religious properties or provide financial compensation

for the loss of those properties despite numerous promises to domestic and international claimants;

(4) the Government of Slovenia, which has refused to pay compensation for officially recognized former Jewish property; and

(5) the Government of Croatia, which has still not adopted appropriate legislation to provide compensation for property that the Nazis and their allies confiscated during the Holocaust;

Whereas the governments of Serbia and Lithuania have recently enacted restitution and compensation programs for private and Jewish communal property, respectively, serving as a potential model for other governments to follow;

Whereas some Holocaust survivors, now in the twilight of their lives, are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care;

Whereas the Washington and Prague conferences on Holocaust-era assets should not be the last opportunity for the international community to address property restitution at the highest level;

Whereas the European Shoah Legacy Institute will hold an Immoveable Property Review Conference in late November 2012 in Prague to review compliance with the Terezin Declaration as well as the document entitled “Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933–1945, Including the Period of World War II”, which 43 countries adopted following the Prague Conference; and

Whereas, although those documents are not legally binding, the governments of all countries bear a moral responsibility to uphold and defend the plight and dignity of Holocaust survivors, ensure their well-being, and respond to their social needs: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes the unmet needs of many Holocaust survivors and the urgency of addressing those
3 needs;
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5 (2) appreciates the efforts of the governments
6 of countries in Europe that have enacted and implemented legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or Communist eras;
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11 (3) welcomes the efforts of the governments of
12 many post-Communist countries to address complex and difficult questions relating to the status of
13 wrongly confiscated property;
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15 (4) urges each government that has not already
16 done so to complete the process of adopting and implementing necessary and proper legislation to effect
17 the in rem return of or the payment of compensation
18 for wrongly confiscated property;
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20 (5) calls on each government to establish restitution and compensation schemes in a simple,
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1 transparent, and timely manner to provide a real
2 benefit to those who suffered from the unjust confis-
3 cation of their property; and

4 (6) calls on the Secretary of State to issue an
5 updated report on property restitution in Central
6 and Eastern Europe that evaluates whether the gov-
7 ernments of those countries have met the basic
8 standards and best practices of the international
9 community.

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